

REMARKS

Reconsideration of the present application, as amended, is respectfully requested in view of the following remarks. Claims 1-25 remain in the application after this Amendment is entered.

THE OFFICE ACTION:

Claims 9-23 stand rejected under 35 U.S.C. § 101 for improper subject matter.

Claims 9-23 stand rejected under 35 U.S.C. § 112, 1st paragraph, for lack of enablement.

Claims 9-23 stand rejected under 35 U.S.C. § 112, 2nd paragraph, for not particularly pointing out and distinctly claiming subject matter regarded as the invention.

Claims 1-25 stand rejected under 35 U.S.C. § 102(e) for anticipation by U.S. Patent No. 6,802,054 to Faraj.

THE NON-ART REJECTIONS:

Claims 9-23 are Directed to Proper Subject Matter and Supported by Enabling Disclosure.

As amended, independent claim 9 is directed to a “system of communicating between a kernel address space of a computer system and an application in a user address space of the computer system.” The applicant respectfully submits that claim 9 is now directed to proper subject matter under 35 § U.S.C. 101. Additionally, the applicant respectfully submits that the specification satisfies the enablement requirement of 35 U.S.C. § 112, first paragraph with respect to amended claim 9. Accordingly, withdrawal of the rejections of claim 9 and claims dependent thereon (claims 10-15) under 35 U.S.C. § 101 and 35 U.S.C. § 112, first paragraph, are respectfully requested.

As amended, independent claim 16 is directed to a “method of transferring data between an operating system and a user application executing on a computer system.” The applicant respectfully submits that claim 16 is now directed to proper

subject matter under 35 U.S.C. § 101. Additionally, the applicant respectfully submits that the specification satisfies the enablement requirement of 35 U.S.C. § 112, first paragraph with respect to amended claim 16. Accordingly, withdrawal of the rejections of claim 16 and claims dependent thereon (claims 17-23) under 35 U.S.C. § 101 and 35 U.S.C. § 112, first paragraph, are respectfully requested.

Claims 9-23 Particularly Point Out and Distinctly Subject Matter Regarded as the Invention.

As amended, independent claim 9 recites “a kernel address space of a computer system” and “a user address space of the computer system.” The applicant respectfully submits that claim 9 now particularly points out and distinctly claims subject matter that the applicant regards as the invention in accordance with 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of the rejection of claim 9 and claims dependent thereon (claims 10-15) under 35 U.S.C. § 112, second paragraph, is respectfully requested.

As amended, independent claim 16 recites “an operating system address space of the computer system” and “a user address space of the computer system.” The applicant respectfully submits that claim 16 now particularly points out and distinctly claims subject matter that the applicant regards as the invention in accordance with 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of the rejection of claim 16 and claims dependent thereon (claims 17-23) under 35 U.S.C. § 112, second paragraph, is respectfully requested.

THE ART REJECTIONS:

Claims 1-25 Patentably Distinguish Over Faraj.

With the amendments to independent claims 1, 9, 16, and 24 provided above, it is clearer that claims 1-25 are directed to a system, method, and computer readable product associated with communication of data between an operating system address space and a user address space or between a kernel address space and a user address space in a computer system using virtual mapping or addressing.

The Examiner has rejected claim 1-25 as being anticipated by Faraj, apparently relating the “event queue 32” of Faraj to the “data structure” recited in the independent claims and the “shared memory” of Faraj to the “virtual memory mapping,” “virtually addressed,” “virtually mapping,” and “virtually mapped” elements/limitations recited in the independent claims.

First, Faraj does not disclose or fairly suggest that the “event queue 32” or the “shared memory” is located in an “operating system address space” recited in claims 1-8 and 16-23 or a “kernel address space” as recited in the claims 9-15, 24, and 25. Moreover, Faraj merely discloses that “shared memory” is a method of communication between a target virtual machine (VM) (26, 28) and an RAS monitor 10. (col. 7, lines 3-12) Faraj does not disclose or fairly suggest that communication between the target VM and the RAS monitor is between an operating system address space and a user address space as in claims 1-8 and 16-23 or between a kernel address space and a user address space as in the claims 9-15, 24, and 25. In fact, it appears that both the target VM and RAS monitor are not part of an operating system, suggesting that the Faraj communications are within the user address space.

Accordingly, the applicant respectfully submits that independent claim 1 and claims dependent thereon (claims 2-8), independent claim 9 and claims dependent thereon (claim 10-15), independent claim 16 and claims dependent thereon (claims 17-23), and independent claim 24 and claims dependent thereon (claim 25) are patentably distinct from Faraj. Based on the foregoing, the applicant respectfully submits that claims 1-25 are currently in condition for allowance.

CONCLUSION

Based on the foregoing amendments and remarks, the applicant believes that all of the claims in this case (i.e., claims 1-25) are now in a condition for allowance and an indication to that effect is earnestly solicited. Furthermore, if the Examiner believes that additional discussions or information might advance the prosecution of this case, the Examiner should feel free to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



Nenad Pejic (Reg. No. 37,415)
Calfee, Halter & Griswold, LLP
(216) 622-8835